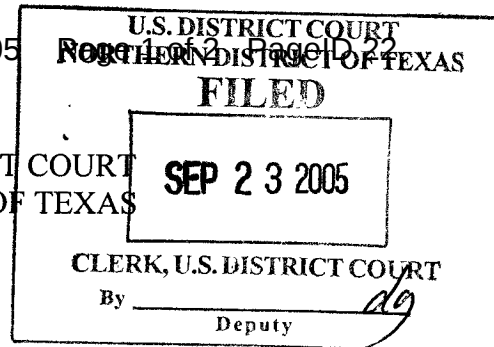


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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

VALTON VANOY BILLINGSLEY,
665802,

Petitioner,

v.

DOUGLAS DRETKE, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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NO. 3:05-CV-1502-L

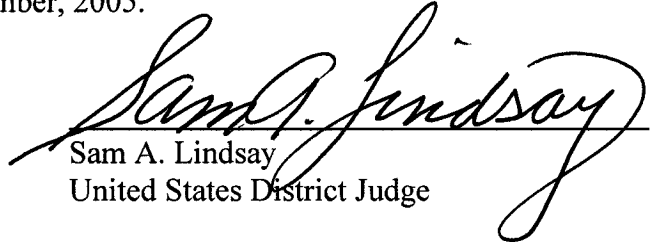
ORDER

Petitioner Valton Vanoy Billingsley ("Petitioner"), appearing *pro se*, filed an application for writ of habeas corpus. Pursuant to 28 U.S.C. §636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On September 1, 2005, Petitioner filed a motion to dismiss his application for writ of habeas corpus. That same day, the Findings and Recommendation of the United States Magistrate Judge were filed, to which no objections were filed.

The magistrate judge recommended that Petitioner's motion to dismiss should be granted and that this action should be dismissed without prejudice. Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that they are correct. Accordingly, the magistrate's findings and conclusions are accepted as those of the court.

Petitioner's motion to dismiss pursuant to Fed. R. Civ. P. 41(a)(1) is **granted**, and this action is **dismissed without prejudice**. Judgment will be issued by separate document.

It is so ordered this 23rd day of September, 2005.


Sam A. Lindsay
United States District Judge